

# JUSTICE FOR ALL

## Crime Victims' Rights Newsletter

Spring 2003



Dear Friends:

Victims' Rights have always been a necessary, though often-ignored, component of justice. It is my firm belief that justice is not served only by punishing or rehabilitating the offender in a crime, but by protecting and enforcing the rights of the victims of those same crimes, and this was always a priority for me when I served as a state representative in Topeka. Among the bills I authored which became law were the closing of criminal investigation records which would reveal the identity of rape victims and multiple changes which made it easier for victims of crime to receive financial restitution. The protection and enforcement of victims' rights remains a priority which I carry into my new duties as Attorney General, and I look forward to working with each of you.

I am pleased to present you with the latest issue of the *Justice For All* victim's rights newsletter, and would like to welcome new subscribers who are reading this newsletter for the first time. Long-time subscribers will notice several changes over the next few issues, changes which we hope will increase the value of this publication to all those who work on behalf of crime victims in Kansas. The first is that *Justice For All* will be expanded to include articles from many of the organizations which partner with this office, including both grant recipients and law enforcement. The second change is that, due to current budget constraints, *Justice For All* will no longer be printed and mailed, but will be available for free download from the Attorney General website at [www.ksag.org](http://www.ksag.org). For the time being, *Justice For All* will remain a quarterly publication.

Attorney General Phill Kline



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Sincerely,

A handwritten signature in cursive script that reads "Phill Kline".

Phill Kline  
Attorney General



## 2003 Crime Victims' Rights Conference

“Victims’ Rights: Fulfill the Promise”  
April 23-24, 2003

This year Governor Kathleen Sebelius and Attorney General Phill Kline are pleased to host the annual Crime Victims’ Rights Conference. It will be held April 23-24, 2003 at the Hyatt Regency Hotel and Convention Center, 400 West Waterman, Wichita, Kansas. The opportunity to host this conference jointly is a reflection of the partnership and cooperation that exists to ensure that crime victims are treated with compassion and respect.

The Governor and Attorney General encourage your participation at this conference. The two days will offer many opportunities to learn from others and network with peers in the criminal justice field. There will be 32 workshops and six keynote speakers that will focus on a variety of issues relating to crime victims.

Registration forms are available by calling the Attorney General’s Victim’s Rights Office at 785-296-2215 or are available for download from the Attorney General’s Website at [WWW.KSAG.ORG](http://WWW.KSAG.ORG). The cost is \$60 per person (continental breakfast and lunch included each day) and registration forms and fees must be received by 5pm, Friday April 4<sup>th</sup>, 2003.

Please make checks payable to “Crime Victims’ Rights Conference”.

# Child Visitation and Exchange Programs

by Connie Sanchez, YMCA Safe Visit Administrator  
Laura Montgomery, Victim's Rights Advocate, KS AG's Office

## ***May is National Awareness Month***

The month of May has been selected as Visitation and Exchange Centers Awareness Month both locally and nationally. Unquestionably, violence has a negative impact on children who witness it. Often, a child exposed to violence in the home is injured physically and/or emotionally, and learns negative messages about relationships and resolving conflict. Visitation and Exchange Centers are designed to aid children and prevent trauma which can result in learned violent behavior later in life. Orange ribbons have been selected as a symbol to educate the general public about the important services these centers provide to children and families.

## ***Services Offered in Visitation and Exchange Programs***

Visitation and Exchange Centers provide a safe, structured, neutral environment for children to visit their parents, grandparents, and other family members. There are eleven Visitation and Exchange programs in Kansas that are all members in good standing with the Kansas Network for Visitation and Exchange Programs and the National Supervised Visitation and Exchange Network. These centers exist to provide direct services to children who are in environments that may jeopardize their physical safety and emotional health. Visitation and Exchange Centers offer families preventative community support regardless of race, ethnicity, financial status, or geographic location. By utilizing the Visitation and Exchange Programs, families can minimize the potential for public disputes, as well as reduce the need for local law enforcement to intervene in domestic conflicts due to child custody issues or violations of Protection from Abuse orders. Without the protection of the facility, many children would be denied any parental contact or communication.

The mission of the Visitation and Exchange Center is to encourage, build, and maintain positive parent/child contact. This principle is addressed in two ways:

- 1) Supervised Visitation provides direct, professional supervision of parent/child contact in a child friendly facility. All contact and communication is monitored and documented.
- 2) Monitored Exchange provides direct, professional supervision of children as they are exchanged between the residential parent and the visiting parent or extended family member. Staff provides a secure environment to protect children from being victims of or witnesses to abuse or violence.

Children have opportunities to play, talk, and interact with their parents or family members, but the parents have no contact with one another.

Families who utilize Visitation and Exchange Centers do so as a proactive means to prevent violence and find alternative methods of parental involvement. Most centers charge a fee for services but fees are assessed on a sliding scale according to income. All Kansas programs have on site security officers to ensure safe visits and exchanges for all clientele.

### ***Benefits of Visitation and Exchange Centers***

Because children develop behavior based on what they observe and experience, children from violent homes are at a higher risk for becoming adult victims of violence or adult offenders. One-half of all marriages in America end in divorce, leaving many children in disrupted family units where violence is too common. Despite the complications of blended families and single parent families, both parents need to play an active, positive role in their children's lives.

Client populations who require services do so because traditional methods of mediation have failed and they are not able to follow "normal guidelines" established and enforced by society, families, and the courts. Through the enforcement of detailed policies and guidelines, Visitation and Exchange Centers can help to minimize the problems associated with child exchange in potentially violent or unhealthy environments. Direct, consistent contact within a controlled setting can help families establish safe rules for parent/child contact, create an opportunity to model peaceful forms of adult communication, encourage activities that promote positive parent/child interaction, and provide direct education and information about community resources.

### ***Funding Sources***

In Kansas, Visitation and Exchange Centers are partially funded by the Personal Responsibility & Work Opportunity Reconciliation Act of 1996, the Federal Grant to States for Access and Visitation Programs, and the State Child Exchange and Visitation Centers Fund. The Kansas Attorney General currently administers over \$300,000 in grant funds to Visitation and Exchange Programs throughout the state.

### ***Access to Programs in Kansas***

If you need services, call the Visitation/Exchange Center near you. Or if you want to be a "Friend" to the Kansas Network for Visitation/Exchange Centers, your financial contributions are welcome. Visitation/Exchange Programs are labor intensive, with personnel making up 75% of expenses.

For more information, please call Connie Sanchez, YMCA Safe Visit Administrator at (785) 234-4677.

**Allen County:** Hope Unlimited, P.O. Box 12, Iola, KS. 66749  
Contact: Dorothy Sparks (Ex.Dr.) 620-365-7566, Fax 620-365-2016

**Douglas County:** The Farm, Inc., 910 W. 24<sup>th</sup> St., Lawrence, KS. 66047. Contact: Kim Barnhardt 785-749-2664, Fax 785-749-2691; [KimB@The-Farm.org](mailto:KimB@The-Farm.org)

**Ellis County:** Sunflower Family Services, 1503 Vine, Suite E, Hays, KS 67601.  
Contact: Sherry Dryden 785-625-4600; [sherryd@sunflowerfamily.org](mailto:sherryd@sunflowerfamily.org)

**Ford County:** Meadowlark Visitation Center, P.O. Box 1173, Dodge City, KS. 67801.  
Contact: Marg Yaroslaski 620-225-6987, Fax 620-225-3522

**Johnson County:** Johnson County CASA, P.O. Box 31, 100 E. Park, Suite 209, Olathe, KS. 66051. Contact: Lois Rice (Director) 913-397-0322, Fax 913-397-0337

**Leavenworth County:** 1<sup>st</sup> Judicial Dist. CASA Assn., 501 Delaware, Suite 17, Leavenworth, KS. 66048. Contact: Sheryl Wilde 913-651-6440, Fax 913-651-5275, [LV/CASA@aol.com](mailto:LV/CASA@aol.com)

**Lyon County:** SOS, Inc./Child Visitation Center, 25 W. 5<sup>th</sup> Street, P.O. Box 1191, Emporia, KS. 66801. Contact: Sharon Allemang 620-342-0076, Fax 620-343-3070, [allemang@valu-line.net](mailto:allemang@valu-line.net)

**Reno County:** Sexual Assault/Domestic Violence Center, Inc., 1 East Ninth, Hutchinson, KS. 67501. Contact: Paula Wright 620-665-3630, Fax 620-665-7619, [saduc@hutchquesst.com](mailto:saduc@hutchquesst.com)

**Riley County:** Sunflower CASA Project, Inc., 100 Courthouse Plaza, P.O. Box 158, Manhattan, KS. 66505-0158. Contact: Melanie Brockington 785-537-6367 or 785-537-5000, Fax 785-537-5008

**Sedgwick County:** Wichita Children's Home, 810 N. Holyoke, Wichita, KS. 67208.  
Contact Jeanette Christman 316-684-6581, Fax 316-684-7249

**Shawnee County:** YMCA Safe Visit. Satellite Office-2036 NW Taylor, Topeka, KS 66608. Contact: Connie Sanchez and Jenny Shaw 785-234-4677, Fax 785-234-5466

# What Is A Victim Impact Statement?

by Bill Hoyt, Public Information Officer  
Laura Montgomery, Victim's Rights Advocate, KS AG's Office

Under Kansas law, victims of certain crimes have the right to file (or read in court) a statement to the judge which explains the impact (emotional, physical, or financial) of the crime on the victims or the survivors. This Victim Impact Statement explains to the court (after the defendant has been convicted) what the effects of the crime are on the person giving testimony, including financial effects of the crime.

Though it is not considered testimony and is not given under oath (and not therefore subject to cross-examination), a victim impact statement can have an effect on the sentencing of an offender, even under Kansas' system of sentencing guidelines.

For example, many convicted of a particularly heinous crime, like first degree murder, are simultaneously convicted of other crimes related to the act or acts which preceded or followed the murder. Since each conviction carries a separate sentence (with a range of possible sentences) and the possibility of concurrent or consecutive serving of time, the impact of a crime upon the victims can still play a key role in how justice (including restitution to victims) is eventually worked out.

An effective Victim Impact Statement:

- 1) Can be read aloud in three to five minutes
- 2) Does not repeat evidence presented in trial
- 3) Focuses on what the crime means to the victim emotionally, physically, spiritually and/or financially
- 4) Communicates how the victim's life is different due to the crime

The Kansas Attorney General's office provides Victim Impact Statement forms to victims and survivors, assists with filling out the paperwork, and can arrange for a victim to speak with the judge at sentencing. The office collects the forms and presents them to the judge as part of the sentencing phase of the crime, so it is not necessary for victims to attend the proceeding in order to have their voices heard.

If you have questions about Victim Impact Forms, would like help filling one out, or if there is any other way we can help you, please call the Victims' Rights Office at 1(800)828-9745.

# How Does The Sexually Violent Predator Program Work?

By Loren Snell, Assistant Attorney General  
Bill Hoyt, Public Information Officer

Kansas Law dictates that people designated as *sexually violent predators* (SVP) can be committed to the care of the SRS Secretary's for care, control, and treatment, until such time as the person's mental abnormality or personality disorder has changed so that they are no longer a danger to be at large. But how does the program work? What steps are involved in designating a person an SVP?

This article will outline the first steps in making that determination, from the offender's scheduled release through the SVP trial. A followup article will outline the various phases of treatment for convicted SVPs.

Some definitions are in order first:

**"Sexually violent predator"** means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in the predatory acts of sexual violence.

**Sexually violent offenses** include the following: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated sexually battery, any conviction for a felony offense that is comparable to a sexually violent offense and an attempt, conspiracy or criminal solicitation of a sexually violent offense.

The following steps create something of a flowchart, with choices to be made, etc. In order to make it readable, certain steps/choices will end with **RELEASE**. In these cases, there are no 'next steps', as the person has not been committed or has completed the program and will be released as scheduled.

- 1) The records of every inmate in DOC custody or patient in SRS custody, who facility staff think might be subject to the Sex Predator Act (because of the person having been charged with a sexually violent offense and having been detained in custody after conviction or commitment) are to be 'red flagged' during the course of their custody.
- 2) Approximately 6 months prior to the otherwise scheduled date of release (because of parole eligibility, end of sentence, or anticipated discharge from an SRS hospital), 'red flagged' records are to be reviewed by the facility staff. If staff once again conclude that the person may be subject to the Sex Predator Act, the person's records are

copied and sent to a review team made up of 2 professionals from DOC, 2 professionals from SRS, and 1 representative from the parole board.

3) This multi-disciplinary team reviews the person's records and scores the person at being either a high, medium, or low risk for re-offending.

4) 90 days prior to the person's otherwise scheduled date of release, their records and the review team's test scores (along with a recommendation to file or not file a Sex Predator Petition on the person) are presented to the Attorney General's Office.

5) The Attorney General reviews the records, the team's scores, and the recommendation. The Attorney General may also seek the recommendation of the county or district attorney where the person was originally charged, convicted, or committed.

6) 75 days prior to the otherwise scheduled date of release, the Attorney General may file an SVP petition in the county or district court where the person was originally charged, convicted, or committed. If the Attorney General decides not to file, the prisoner will be released as originally scheduled (**RELEASE**) .

7) Upon the filing of an SVP petition, a judge reviews the petition to determine whether it shows a proper foundation for an SVP prosecution. If so, the judge orders the person taken into local custody (from DOC or SRS) and the person is transported to the local jail to be held pending the trial of the SVP case. If not, the petition is dismissed (**RELEASE**)

8) Within 72 hours after the person is taken into custody by the local sheriff, the court holds a hearing to confirm the identity of the person being held, confirm probable cause for an SVP trial, appoint an attorney to represent the person, order a formal mental evaluation, and set the case for trial.

9) Following the probable cause hearing, the person is transported to wherever the mental evaluation is to be conducted (usually the State Security Hospital at Larned State Hospital).

10) The Person is held at the evaluation facility, the evaluation complete, and a report written to the court. The person is then returned to the local jail to await trial.



11) While awaiting the trial, and after reviewing the results of the court-ordered evaluation, the person is given the opportunity to ask the court to order a second opinion evaluation.

12) Within 60 days of a finding of probable cause (step 8), and subject to certain exceptions, the trial of the case must be held. In this trial, a jury must unanimously find the person to be a sexually violent predator “beyond a reasonable doubt”.

13) If the person is found to be an SVP, an order of commitment to SRS for treatment is entered. If there is no conviction, (**RELEASE**).

(The next article will review the treatment stages for SVPs)

## NATIONAL TOLL-FREE HOTLINES

### 1. Childhelp USA/Forrester National Child Abuse Hotline 1-800-4-A-CHILD (1-800-422-4453)

Childhelp USA operates the National Child Abuse Hotline (1-800-4-A-Child) providing 24-hour professional crisis counseling and referral services in all 50 states. Childhelp also provides counseling for adult and teen survivors of abuse at its Los Angeles Center, residential treatment for abused children at its Villages in California and Virginia, abuse investigation services at its Children's Advocacy Centers in Tennessee and New York, and abuse prevention programs at the Fall Church, Virginia Office.

### Family Violence Prevention Fund/Health Resource Center 1-800-313-1310

The Family Violence and Prevention Fund (FUND) is a national, non-profit organization that focuses on domestic violence education, prevention, and public policy reform. The overriding mission of the FUND is to stem the epidemic of domestic violence in our homes. Throughout its history, the FUND has developed pioneering prevention strategies in the justice, public education, and public health fields. The FUND's publications and model programs have been distributed to every state and several foreign countries. The FUND's "There's No Excuse for Domestic Violence" campaign is the first national public education effort on this subject.

### Juvenile Statistics Clearinghouse 1-800-732-3277

Answers statistical questions and distributes the Department of Justice, Bureau of Justice Statistics reports to persons seeking crime and criminal justice data. The clearinghouse also offers statistical information packages, referrals, and other related products and services.

### Juvenile Justice Clearinghouse 1-800-638-8736

Office of Juvenile Justice and Delinquency Prevention (OJJDP) is an agency of the U.S. Department of Justice, which provides national leadership, coordination and resources to prevent and treat juvenile delinquency. The Juvenile Justice Clearinghouse produces and disseminates OJJDP publications and prepares customized responses to information requests.

### Mothers Against Drunk Driving 1-800-438-MADD (6233)

Mothers Against Drunk Driving (MADD) was established in 1980, primarily by two mothers, one whose daughter was killed and another whose daughter became the country's youngest paraplegic as a result of drunk driving. Both crashes were caused by multiple offenders. MADD's mission is to stop drunk driving and support victims of this violent crime. MADD has more than 500 active state organizations, chapters, and community action teams throughout the nation. All chapters have at least one trained victim advocate who offers one-on-one support, literature, and court accompaniment. Many chapters also offer Victim Impact Panels, a healing experience for victims, and victim support groups.

### [National Center for Missing and Exploited Children](#) [1-800-843-5678](#)

The National Center for Missing and Exploited Children (NCMEC) serves as a national clearinghouse and resource center on issues relating to child victimization, specifically the abduction and sexual exploitation of American youth. Opened in June 1984, the National Center works in cooperation with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice in an effort to reduce crimes against children and better address the needs of victim families and the professionals serving them.

The National Center operates a 24-hour, toll-free hotline for parents to call to report a missing child; the public to relay information which could lead to a child's recovery; or for citizens to request free information on child protection. Since the National Center's establishment, the hotline has received approximately 900,000 calls, and over 11 million publications have been distributed. In addition to networking with other nonprofit organizations, NCMEC staff works closely with law enforcement, child protective services, victim advocacy organizations, medical professionals, legislators, attorneys and judges in an effort to begin to close the gap in services for parents and siblings of missing and exploited children.

### [National Clearinghouse for Alcohol and Drug Information](#) [1-800-729-6686](#)

### [National Clearinghouse on Child Abuse and Neglect](#) [1-800-394-3366](#)

Is a national resource for professionals and concerned citizens seeking information on the prevention, identification, and treatment of child abuse and neglect. CANet the Child Abuse and Neglect Network is an electronic service operated by NCCAN offering information on new child abuse and neglect resources and recent events, searchable database records, downloadable publication files, a conference calendar, and opportunities for professionals to exchange information with colleagues working in the field.

## National Criminal Justice Reference Service

1-800-851-3420

Is a collection of clearinghouse supporting all bureaus of the U.S. Department of Justice, Office of Justice Programs; National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Bureau of Justice Statistics, Bureau of Justice Assistance, and the Office for Victims of Crime. NCJRS also supports the Office of National Drug Control Policy.

The National Criminal Justice Reference Service (NCJRS) is one of the most extensive sources of information on criminal and juvenile justice in the world, providing services to an international community of policymakers and professionals. NCJRS is a collection of clearinghouses supporting all bureaus of the U.S. Department of Justice, Office of Justice Programs: the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, the Bureau of Justice Assistance, the Office for Victims of Crime, and the OJP Program Offices. It also supports the Office of National Drug Control Policy.

## National Coalition Against Sexual Assault

1-717-232-7460

The National Coalition Against Sexual Assault (NCASA) is a membership organization committed to the prevention of sexual violence through intervention, education, advocacy and public policy. NCASA promotes and advocates a national course of action based on the sexual assault victim/survivor's perspective within a feminist framework. NCASA works toward the empowerment of all victims/survivors: children and adults, women and men. Major NCASA initiatives include hosting an annual National Conference and Women of Color Institute as well as producing resources for National Sexual Assault Awareness Month in April.

## National Domestic Violence Hotline

1-800-799-7233

The National Domestic Violence Hotline answers about 10,000 calls each month from those experiencing domestic violence, as well as their family and friends. We provide callers with crisis intervention, information about domestic violence and referrals to local programs 24 hours a day, 7 days a week in many languages.

## National Fraud Information Hotline

1-800-876-7060

## National Organization for Victim Assistance

1-800-TRY-NOVA (1-800-879-6682)

Founded in 1975, the National Organization for Victim Assistance (NOVA) is the oldest of the many broad-based victim rights groups now found worldwide, A nonprofit,

membership organization, NOVA is guided by four purposes: to be of service to its members; to be an advocate for victim rights and services in Federal, state, and local legislatures and executive agencies; to be a training and educational resource to victim assistance and allied professionals (including police, prosecutors, clergy members, and health and mental health professionals); and to be of direct service to victims who call the NOVA offices or who have suffered in a large-scale disaster to which a NOVA "Crisis Response Team" (composed of trained volunteers) has been invited to help in the emotional recovery. NOVA publishes a Newsletter and holds two annual events: the National Forum on Victims' Rights held during NCVRW in Washington, DC, and the North American Victim Assistance Conference held in August.

### National Resource Center on Domestic Violence

1-800-537-2238

The National Resource Center on Domestic Violence (NRC) provides comprehensive information, resources, policy development and technical assistance designed to enhance community response to and prevention of domestic violence. The NRC works closely with three Special Issue Resource Centers to coordinate information and resource development and technical assistance. The NRC and the following Special Issue Resource Centers work together as the Domestic Violence Resource Network:

### Battered Women's Justice Project

1-800-903-0111

Minneapolis, MN - Provides training, technical assistance and other resources addressing criminal and civil justice system responses to domestic violence and issues related to battered women's self-defense.

### Health Resource Center on Domestic Violence

1-800-313-1310

San Francisco, CA - Provides specialized information packets designed to strengthen the health care system's response to domestic violence, as well as technical assistance and library services to support health care-based domestic violence training and program development.

### Resource Center on Child Protection and Custody

1-800-527-3223

Reno, NV - Provides resource materials, consultation, technical assistance and legal research related to child protection and custody in the context of domestic violence.

### National Victim Center

1-800-FYI-CALL (1-800-394-3255)

The National Victim Center is a not-for-profit organization founded in 1985 in honor of

Sunny yon Builow. The Center is dedicated to reducing the consequences of crime on victims and society by promoting victims' rights and victim assistance, and enhancing the dignity and value of human life by eliminating America's acceptance of violence. The many programs of the National Victim Center include: training and technical assistance to strengthen the abilities of victim advocates and criminal justice officials to assist and support crime victims; a legislative database containing over 27,000 statutes relevant to violence, victimization and criminal justice issues which support the public policy program efforts to establish, expand and protect victims' fights through legislation and policy development; a library with the nation's most comprehensive collection addressing crime and victimization issues; Info link (1-800-FYI-CALL), a comprehensive source of crime victimization information and referrals to local victim assistance programs; and the Cartington Victims' Litigation Project offering a centralized source of civil cases brought by victims of crime, as well as attorney referrals operating in this field.

### Office for Victims of Crime Resource Center 1-800-627-6872

Provides victim related information such as; domestic violence; child abuse; elderly victims; hate/bias related violence; victim rights, and victim compensation. Materials available through the OVCRC include: training curricula for law enforcement, victim assistance personnel, and allied professionals; fact sheets outlining special programs and initiatives managed by the United States Department of Justice, Office for Victims of Crime; and videotapes on such diverse topics as crime victim compensation, crisis response, and child sexual abuse.

### Rape, Abuse & Incest National Network 1-800-656-4673

### Resource Center on Domestic Violence, Child Protection and Custody 1-800-527-3223

Is operated by the Family Violence Project of the National Council of Juvenile and Family Court Judges. The resource center offers technical assistance to judges, court workers, advocates, lawyers, child protective workers, law enforcement personnel and other professionals. Assistance includes: customized information packets; general phone information; program materials; access to publications, videos, and audio tapes; National experts database; legal case law and state statute research; Resource and training materials, and, Synergy newsletter distributed three times each year The Rape Abuse & Incest National Network (RAIN) 1-800/656-4673; is a non-profit organization based in Washington, D.C. that operates America's only national toll-free hotline for survivors of sexual abuse. The Hotline provides callers access to counseling 24 hours a day, from anywhere in the country.